

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)

EXPRESS MAIL LABEL No.: EV 330868994US
Date of Deposit: July 15, 2003

This is a request for filing a ☒ Continuation ☐ Division application
under 37CFR 1.53(b) (Rule 53(b)) of prior pending application:

Inventor(s) : **Juan Jose LEGARDA IBANEZ**
Serial No. : **PCT/ES02/00008**
Filed : **January 10, 2002**
Art Unit : **n/a**
Examiner : **n/a**
For : **USE OF FLUMAZENIL IN THE PRODUCTION OF A DRUG FOR THE TREATMENT
OF ALCOHOL DEPENDENCY**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. **COPY OF PRIOR APPLICATION**

Attached is a true copy of the prior application as originally filed, including:

- ☒ Abstract, 1 pgs.
☒ Specification and claims as originally filed (22 pgs.)
☐ Signed declaration or oath as originally filed
☐ Sheets of Drawings: ☐ Informal ☐ Formal
☐ Verified Statement Claiming Small Entity Status

2. **STATEMENT OF INVENTORSHIP**

This Rule 53(b) application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are:

- ☒ the same
☐ less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 60 application:

CERTIFICATE OF MAILING
(37 C.F.R. §140)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EV 330868994US
Express Mail Label No.

July 15, 2003
Date of Deposit

Connie Kwon
Name of Person Mailing Paper

Connie Kwon
Signature of Person Mailing Paper

1. _____ 2. _____

3. **RELATE BACK - 35 U.S.C. 120**

☒ Relate back information included in preliminary amendment or specification.

☐ Please amend the specification as follows:

[Enter continuing data here]

4. **PRIORITY CLAIM**

☒ Priority is hereby claimed under 35 U.S.C. 119/365 based on prior foreign application(s) No(s):
PCT/ES02/00008, filed in (country) Spain on January 10, 2002; and
P 200100106, filed in (country) Spain on January 17, 2001.

☐ Certified copy/copies is/are attached.

☐ Certified copy/copies already filed on
in prior U.S. application, Serial No. _____, filed on _____

5. **ASSIGNMENT**

☒ The prior application is assigned of record to (assignment pending): Hythiam, Inc., 11111 Santa Monica Blvd., Suite 650, Los Angeles, CA 90025

☐ Attached is an assignment to: _____

6. **SMALL ENTITY STATUS**

☒ The Applicant claims Small Entity Status under Rules 9 and 27:

- ☐ has been filed in parent application and such status is still proper and desired (37CFR 1.28(a)).
☐ is filed herewith.

7. **MAINTENANCE OF CODEPENDENCY OF PRIOR APPLICATION**

☐ Petition, fee and response to extend the life of the copending prior application to _____

- ☐ is being concurrently filed in that prior application (see item 11).
☐ was previously filed in that prior application.
☐ is not necessary.

8. **POWER OF ATTORNEY**

☒ A new power of attorney to IRELL & MANELLA LLP will be forthcoming.

☐ The power appears in the original papers of the prior application.

☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

☐ Recognize as associate attorneys:

- ☒ Please send all correspondence to Customer Number 29000:



IRELL & MANELLA LLP
Suite 900
1800 Avenue of the Stars
Los Angeles, CA 90067-4276
Telephone: (310) 277-1010
Facsimile: (310) 277-7199

Please direct all inquiries to Carol A. Schneider, at the above customer number.

9. AMENDMENT

- ☐ For the purpose of reducing the filing fee per MPEP 506 and 607, please enter the following claim cancellations before calculating the filing fee (do not cancel all claims) FIRST PRELIMINARY AMENDMENT:

- ☐ Preliminary amendment attached.

10. FEE CALCULATION

THE FOLLOWING FILING FEE IS BASED ON CLAIMS
REMAINING AFTER ENTRY OF PRELIMINARY AMENDMENT
PER MPEP § 506 AND § 607

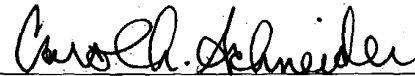
	Basic Filing Fee	\$750.00
Total Effective Claims	<u>16</u> - 20 = <u>0</u> x \$18.00	0.00
Independent Claims	<u>3</u> - 3 = <u>0</u> x \$84.00	0.00
If any <u>proper</u> multiple dependent claim (ignore improper) is present, add \$280.00		0
	Subtotal	750.00
If Small Entity claim is present, enter one-half (1/2) of subtotal and <u>subtract.</u>		- 375.00
	Total Filing Fee	\$375.00

- ☐ Attached is a check in the amount of ____.
- ☐ Charge Irell & Manella's Deposit Account No. 09-0946 in the amount of ____.
- ☒ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

No additional fees are believed to be due. If an extension of time is required for this paper or later filed papers, please consider this a petition for the required extension of time. Please charge any required petition fees, and any other fees, except for payment of the issue fee, and charge any underpayment or credit any overpayment during the prosecution of this application to our **Deposit account No. 09-0946**.

Respectfully Submitted,

Dated: July 15, 2003



Carol A. Schneider, Ph.D., JD.
Registration No. 34,923

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